

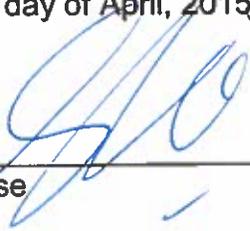
CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Residential Mixed Use Structures”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

Dated this 23rd day of April, 2015, at Kennebunkport, Maine.



Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II

A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING RESIDENTIAL MIXED USE STRUCTURES

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Residential Mixed Use Structures" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will allow, within certain designated zones and with certain limitations, two principal uses – a residential use combined with a commercial use to be blended and located within a single principal building on a lot without requiring a doubling of the minimum lot size.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 2.2 as follows:

2.2 Definitions

Residential Mixed Use: A primary use to which a principal building may be devoted which blends and combines a residential use with a commercial use located within no more than one principal building on a lot. For purposes of minimum lot size calculations, outside of the Shoreland Zone, a Residential Mixed Use as defined shall be considered a single use.

Streetscape: An area that lies between the street curb and the façade of the adjacent building.

Workforce Housing: Affordable housing for households with earned income that is insufficient to secure quality condition housing in reasonable proximity to the work place.

Amend Articles 4.6, 4.9, 4.10 and 4.11 as follows:

Article 4 – ZONE REGULATIONS

Add the following under the column entitled “Conditional Uses Subject to Planning Board Site Plan Review” for the following zones:

4.6 Riverfront Zone: Residential Mixed Use

4.9 Cape Porpoise East & Cape Porpoise West Zones: Residential Mixed Use

4.10 Cape Porpoise Square Zone: Residential Mixed Use

4.11 Free Enterprise Zone: Residential Mixed Use

Amend Article 6.9.A.7 as follows:

ARTICLE 6 – TOWN WIDE REGULATIONS

6.9 Off-Street Parking and Loading-Non-Residential

A. Except in the Dock Square Zone, the following standards shall apply to all new uses or establishments, and also to all existing uses or establishments which expand or increase their volume or intensity of use, whether such expansion occurs inside or outside of a building. All new or enlarged off-street parking, loading or vehicular service facilities including driveways shall also conform to this section.

7. The following minimum off-street parking requirements shall be provided and maintained:

USE	MINIMUM REQUIRED PARKING
<u>Residential Mixed Use</u>	<u>Parking for the Non-Residential Component based on the requirements listed in this section.</u>

Add a new Article 6.10.5 as follows:

6.10 Residential Parking Standards

5. Parking for residential components of Residential Mixed Use shall be as follows:

<u>1 Bedroom Unit</u>	<u>1 Parking Space</u>
<u>2 or more Bedroom Unit</u>	<u>2 Parking Spaces</u>

Amend Article 7.13 & 7.14 as follows:

ARTICLE 7 – PERFORMANCE STANDARDS FOR SPECIFIC ACTIVITIES, LAND USES AND ZONES

~~7.13~~ Roomers

7.13 Residential Mixed Use

Purpose: To provide for smaller scale housing options, specifically workforce housing and small scale commercial options by encouraging mixed use structures without requiring twice the minimum lot size on conforming lots.

- A. A request for Residential Mixed Use requires submittal of a site plan that shall include the property owner with deed reference, lot boundaries and dimensions to scale, the location and set backs of all buildings and parking areas and open spaces.
- B. Minimum lot size and building setbacks shall meet the underlying zone requirements. Minimum open space (area not occupied by structures or parking) shall be 60% of total lot area.
- C. Streetscapes created by new development must be pedestrian-oriented. There shall be a direct pedestrian connection between the principal building entrance and the sidewalk(s) or path(s) along the adjoining street(s) if the commercial use is open to the public and/or fronts an existing public sidewalk or path.
- D. Parking shall meet the requirements set forth in Article 6. Parking shall be predominantly located to the side and/or rear of the building.
- E. Residential Mixed Use structures located on properties connected to the Town's wastewater collection system must be approved by the Sewer

Department. Properties utilizing subsurface waste system and private wells must meet the standards required in the Maine Subsurface Waste Rules.

In addition:

1. Existing septic systems must be evaluated for condition and capacity by a licensed Site Evaluator. A reserve area is required for existing and new systems in the event that replacement is necessary. Bi-annual pump-outs of septic systems servicing the property are required and documentation must be provided to the Town upon request.
 2. Properties serviced by private wells must provide to the Code Enforcement Office a water quality test to ensure adequate water quality prior to issuance of a Certificate of Occupancy.
- F. A request for Residential Mixed Use shall include a plan of the entire building showing a separate layout of all finished levels identifying the use of all rooms and the location of all entrances/exits.
- G. The number of dwelling units permitted with a commercial use as identified in the definition of Residential Mixed Use shall be limited to two.
- H. Individual dwelling units shall consist of a minimum of 600 square feet of habitable space and may not have any living space on a third story unless it meets the minimum Life Safety requirements as defined in the Building Code.
- I. The dwelling unit(s) shall be occupied as a primary residence (primary residence shall be defined as more than six (6) months per year).
- J. Where permitted only one (1) home occupation shall be permitted per dwelling unit.
- K. The minimum commercial unit size shall be 500 square feet of gross floor area. The commercial area may not exceed 2 times the total residential area.
- L. All new or redeveloped structures shall meet or exceed NFPA requirements for the applicable fire suppression system.
- M. Any specific performance standards otherwise identified in this Ordinance related to the commercial use must also be met.

7.14 Roomers

CERTIFICATION OF PROPOSED ORDINANCE

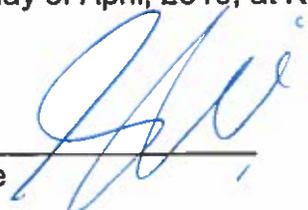
TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning The Definition of Lot Area”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

Dated this 23rd day of April, 2015, at Kennebunkport, Maine.

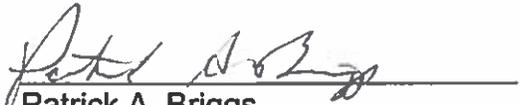
Stuart E. Barwise



Sheila W. Matthews-Bull



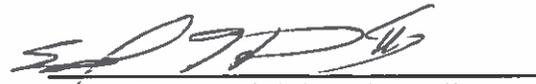
Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II



A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING THE DEFINITION OF LOT AREA

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning the Definition of Lot Area" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will revise the definition of lot area used when calculating allowable lot coverage by excluding beach areas in that calculation.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 2.2 as follows:

2.2 Definitions

Lot Area: The total area located within the lines of a lot as measured on a horizontal plane. Within the Shoreland Zone, lot area shall exclude land areas below the normal high-water line of a water body and any other adjacent areas of sand, if any, located between the normal high water line of a water body and either the seaward edge of a structure such as a sea wall or the seaward edge of dune vegetation.

CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Performance Standards of Hotels, Motels, Bed & Breakfasts and Inns”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

Dated this 23rd day of April, 2015, at Kennebunkport, Maine.

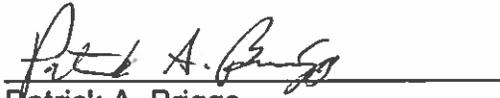
Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II



A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING PERFORMANCE STANDARDS OF HOTELS, MOTELS, BED & BREAKFASTS AND INNS

Shall an ordinance entitled “June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Performance Standards of Hotels, Motels, Bed & Breakfasts and Inns” be enacted? (A true copy of which is on file in the Town Clerk’s Office and is incorporated by reference.)

[Note of Explanation: This amendment will allow existing non-conforming Hotels, Motels, Bed & Breakfasts and Inns to construct ADA and Life Safety compliant stairwells and elevator shafts without the need for a variance.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 7.7.A as follows:

7.7 Hotels, Motels, Bed & Breakfasts, and Inns

- A. Except in the Dock Square Zone where the minimum property line setbacks in Section 4.5 shall apply, no part of any building used for a Hotel, Motel, Bed & Breakfast, or Inn shall be closer than forty (40) feet to the property line, provided that any such building used for a Hotel, Motel, Bed & Breakfast, or Inn, constructed prior to January 1, 2015, shall be exempt from applicable dimensional requirements only to the extent necessary to achieve compliance with Americans with Disabilities Act (ADA) and Life Safety requirements for stairwells and elevator assemblies. An area of open space, not less than twenty (20) feet wide, shall be maintained and planted with grass, bushes, flowers or trees, all along each lot line and along the street, except for entrance and exit driveways and except as needed for construction or renovation of ADA and Life Safety compliant stairwells and elevator assemblies. The open space shall not be used for automobile parking.

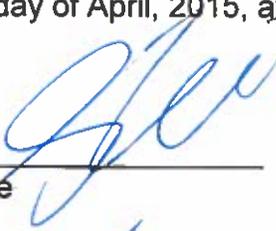
CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning the Official Shoreland Zoning Map”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

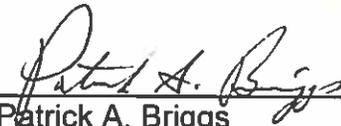
Dated this 23rd day of April, 2015, at Kennebunkport, Maine.



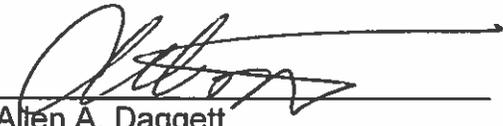
Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II

A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING THE OFFICIAL SHORELAND ZONING MAP

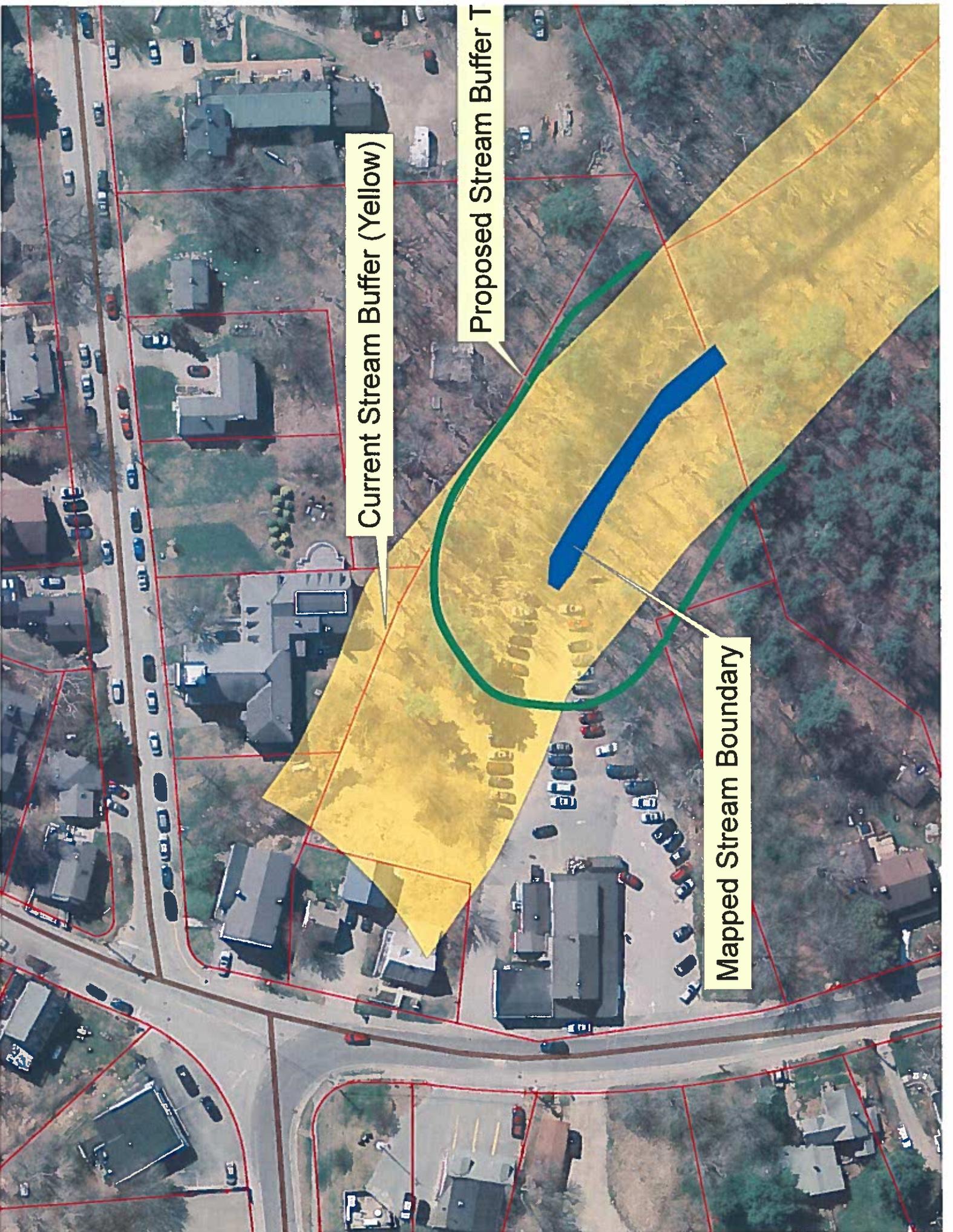
Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning the Official Shoreland Zoning Map" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will revise an existing stream buffer in Cape Porpoise Square to reflect the actual stream boundaries.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend the Official Shoreland Zoning Map as follows:

See the attached Exhibit A.



Current Stream Buffer (Yellow)

Proposed Stream Buffer T

Mapped Stream Boundary

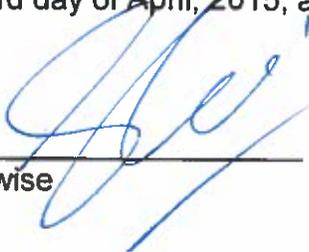
CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Certain Permitted Use Structures”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

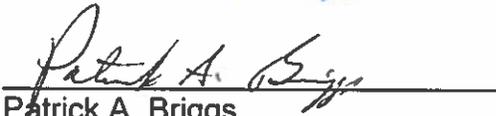
Dated this 23rd day of April, 2015, at Kennebunkport, Maine.



Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II

A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING CERTAIN PERMITTED USE STRUCTURES

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Certain Permitted Use Structures" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will remove Planning Board Site Plan review requirements for permitted structures associated with agriculture, farm stands or storage and repair of fishing equipment.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 10.2.B.1 as follows:

ARTICLE 10 – PLANNING BOARD SITE PLAN REVIEW

10.2 Site Plan Approval Required

B. Site Plan Review and Approval shall not be required:

1. For detached single family dwellings, accessory apartments, two family dwellings, home occupations and their accessory buildings, driveways and parking areas; or structures associated with agriculture, farm stands or storage and repair of fishing equipment.

CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

“June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Errors and Omissions”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

Dated this 23rd day of April, 2015, at Kennebunkport, Maine.

Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II



A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE KENNEBUNKPORT LAND USE ORDINANCE CONCERNING ERRORS AND OMISSIONS

Shall an ordinance entitled "June, 2015 Amendment to the Kennebunkport Land Use Ordinance Concerning Certain Typographical Errors and Omissions" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will correct certain typographical errors and omissions from past warrant articles.]

Note: Underlined language is proposed to be inserted and words ~~stricken-out~~ are proposed to be removed. All other portions of the ordinance are proposed to remain unchanged.

Amend Article 3.2.D as follows:

3.2 Official Zoning Maps

D. Code Officer's Interpretation May be Appealed

In the event that a dispute cannot be resolved by the use of the rules in section 3.2.C above, the applicant or the Code Enforcement Officer may refer the matter to the Board of Appeals who shall interpret location of the disputed zoning district boundaries or location of the normal high water mark, pursuant to the procedure for administrative appeals, as set forth in section ~~9.2~~ 9.3. The Code Enforcement Officer shall provide copies of any such administrative appeal application to both the Conservation Commission and the Growth Planning Committee, as well as to the Department of Environmental Protection in cases involving any Shoreland Zone, so these bodies may have an opportunity to provide background information, comments and recommendations to the Board of Appeals regarding interpretation of the official maps. Where uncertainty exists as to the exact location of district boundary lines, the Board of Appeals shall be the final authority as to the location of district boundaries subject to the appeals provisions in section ~~9.2~~ 9.3.

Amend Article 10.8.B as follows:

10.8 Planning Board Procedure for Site Plan Review

B. Following the receipt of an application the Board may hold a pre-hearing meeting with the applicant to discuss submission requirements and general concerns of the Board. The Planning Board may also request that the application include a report from the Chief of Police, the Fire Chief, the

Superintendent of the Water District and the Superintendent of the Sewer Department containing their recommendations regarding the proposed use. Within forty-five (45) days of the submission of a completed application, with all supporting documentation, the Board shall hold a public hearing. At least ten (10) days prior to the hearing date, the Town Clerk shall publish a notice of the hearing in a newspaper of general circulation in Kennebunkport. The notice shall identify the property involved, the applicant, the nature of the ~~appeal~~ application, and the time and place of the public hearing.

Amend Article 11.2.I as follows:

11.2 Permit Required

- I. Roads, Filling or Grading: Road construction and filling or grading of land, as described in Article ~~6.15~~ 6.14.

Amend Article 11.12.H as follows:

11.12 Growth Management Permit Required

- H. Issuance procedure. Growth management permit applications shall be submitted to the Code Enforcement Officer who shall endorse each with the date and time of receipt. ~~On~~ In the event two or more growth management permit applications are received simultaneously, the Code Enforcement Officer shall give preference to growth management permit applicants who are permanent residents of Kennebunkport constructing dwelling units on property which they are the owner of record. Remaining ties shall be settled by random selection. The Code Enforcement Officer shall review growth management permit applications in the same order as they are received. The Code Enforcement Officer shall review all growth management permit applications for completeness and accuracy. When the Code Enforcement Officer finds an application to be complete, the Code Enforcement Officer shall approve it by signing the application and endorsing the date and time of approval on the application. For purposes of this section, failure of the Code Enforcement Officer to act within twenty (20) days upon a completed growth management permit application shall not constitute denial of the application.

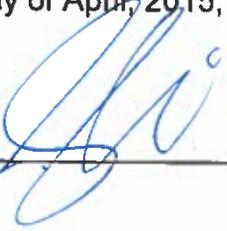
CERTIFICATION OF PROPOSED ORDINANCE

TO: April Dufoe, Town Clerk of the Town of Kennebunkport. In the name of the State of Maine, we hereby certify that the Ordinance entitled:

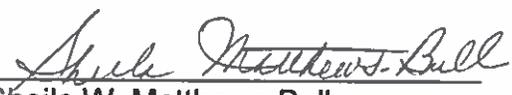
“June, 2015 Amendment to the Dog Ordinance”

attached hereto is a true copy of the Ordinance proposed for enactment at the Annual Town Meeting of the Town of Kennebunkport to be held on June 9, 2015.

Dated this 23rd day of April, 2015, at Kennebunkport, Maine.



Stuart E. Barwise



Sheila W. Matthews-Bull



Patrick A. Briggs



Allen A. Daggett



Edward W. Hutchins, II

A majority of the Selectmen of the Town of Kennebunkport, Maine

PROPOSED AMENDMENT TO THE DOG ORDINANCE

Shall an ordinance entitled "June, 2015 Amendment to the Dog Ordinance" be enacted? (A true copy of which is on file in the Town Clerk's Office and is incorporated by reference.)

[Note of Explanation: This amendment will repeal and replace the Dog Ordinance adopted June 9, 1976.]

Repeal the Kennebunkport Dog Ordinance adopted at a Special Town Meeting on June 9, 1976 and replace it with the following:

ANIMAL CONTROL ORDINANCE

Section A: Purpose

The purpose of this ordinance is to require that all animals in the Town of Kennebunkport be kept under the control of their owner or keeper at all times so that they will not injure persons or other animals, damage property or create a public safety threat.

The provisions of this ordinance that apply to the owner of an animal apply equally to any person keeping, or having control, custody or possession of that animal.

Section B: Definitions

1. **ANIMAL:** Every living, sentient creature not a human being.
2. **ANIMAL CONTROL:** Control of dogs, cats and domesticated or undomesticated animals.
3. **ANIMAL CONTROL OFFICER:** Any person appointed by the Town of Kennebunkport to enforce animal control laws.
4. **ANIMAL SHELTER:** A facility that includes a physical structure that provides temporary shelter to stray, abandoned, abused or owner-surrendered animals.
5. **AT LARGE:** Off the premises of the owner, unleashed and not under the Voice and Sight control of a responsible party.
6. **BEACH:** The beaches within the Town of Kennebunkport commonly referred to as Goose Rocks Beach, Colony Beach, and Cleaves Cove.

7. **DOG:** Any of large and varied groups of domesticated animals in the canine family.
8. **LEASH:** Hand held device, 15 feet or less in length, which can be used to restrain a dog.
9. **OWNER:** Owner or any person or persons, firm, association or corporation owning, keeping or harboring an animal or any person having custody, possession, or control of an animal.
10. **RESPONSIBLE PARTY:** Any person who has custody, possession or control of a dog, whether or not that person is the Owner.
11. **RESTRICTED AREAS:** Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove, that is designated for special protection for piping plovers or other endangered species based upon scientific and historical data.
12. **VOICE AND SIGHT CONTROL:** "Voice Control" means that the dog returns immediately to and remains by the side of the responsible party in response to the responsible party's verbal command. "Sight Control" means that dog is always within sight of the responsible party and the dog is capable of complying with Voice Control. If a dog approaches or remains within 10 feet of any person other than the responsible party, that dog is not under voice control and is in violation of this Ordinance unless such person has communicated to the responsible party by spoken word or gesture that such person consents to the presence of the dog. A dog barking repeatedly is not considered under Voice and Sight Control.

Section C: Requirements for Control of Animals

1. **AT LARGE DOGS:** It is unlawful for any dog, licensed or unlicensed, to be at large within the Town of Kennebunkport, except when used for hunting. Dogs shall be considered at large unless leashed or under Voice and Sight Control of a responsible party. A responsible party shall maintain control of their dog(s) at all times, not allow the dog(s) to charge, chase or display aggression towards any person, or disturb or harass any person, other dogs or wildlife. A responsible party shall have a leash in his/her possession for any dog that is off leash. The owner of any dog found at large or otherwise in violation of this section will be subject to the civil penalties provided in the Ordinance and/or Maine State Law, Title 7, Section 3911.
2. **DOGS LEASHED:** A leash shall be used to restrain a dog: (a) if the dog fails to respond to voice commands when off the premises of the owner, (b) when a dog is walking with a responsible party on roads and sidewalks in the Town of

Kennebunkport, or (c) if the responsible party is ordered by the Animal Control Officer or a law enforcement officer to leash the dog. The owner of any dog found in violation of this section will be subject to the civil penalties provided in the Ordinance.

3. **IMPOUNDMENT OR RETURN OF AT LARGE DOGS:** All dogs found at large in violation of this Ordinance or Title 7, M.R.S.A., Section 3911 may be impounded at the animal shelter or returned to the owner, at the discretion of the Animal Control Officer or law enforcement officer.
4. **LICENSES:** No dog shall be kept within the limits of the Town of Kennebunkport unless such dog is licensed by the owner in accordance with Maine State Law.
5. **RABIES TAGS:** Rabies tags obtained from a veterinarian for immunization against rabies must be securely attached to the dog's collar and must be worn by the dog for which the tag was issued except when the dog is hunting, in training or in an exhibition or on the premises of the owner.
6. **CONTROL OF ANIMAL WASTE:** An owner or responsible party must remove and dispose of any feces left by his/her animal on any sidewalk, street, beach, public property or private property (other than the property of the owner of the animal or of a person who has consented to the presence of the animal on his or her property) Deposit of feces left off property of the owner shall be placed in an appropriate litter receptacle.

Section D: Specific Requirements for Dogs on Beaches

1. **AUTHORITY:** The Board of Selectmen shall have the authority to adopt specific rules governing dogs on Goose Rocks Beach, Colony Beach and Cleaves Cove that are more restrictive than the provisions of Section C of this Ordinance. For example, the Board of Selectmen may designate Restricted Areas on these beaches for special protection for piping plovers or other endangered species based upon scientific and historical data consistent with state and federal laws governing endangered species. For specific rules governing dogs on Goose Rocks Beach, the Board of Selectmen shall have the authority to adopt such rules after consultation with the Goose Rocks Beach Advisory Committee, in accordance with Section IV.D of the Beach Use Ordinance for Goose Rocks Beach.
2. **DOG RULES ON BEACHES:** The following rules, adopted in accordance with Section D.1 above, apply to the following beaches located within the Town of Kennebunkport: Goose Rocks Beach, Colony Beach and Cleaves Cove.

- a. An owner or responsible party shall always be required to leash their dog on any of the applicable beaches referenced above when directed to do so by a law enforcement officer or Animal Control officer.
- b. Pet waste must be picked up immediately and disposed of properly in an appropriate litter receptacle.
- c. Dogs must be kept at least 200 feet from any designated Restricted Area.
- d. Restricted Areas include the following:
 - i. Any beach area on Goose Rocks Beach, Colony Beach or Cleaves Cove that has been roped off, fenced off or otherwise demarcated or posted by governmental officials or their agents to protect the nesting site of a piping plover or of any other endangered species protected under federal or state law.
 - ii. The **West End Plover Protection Area** is a Restricted Area on Goose Rocks Beach that begins at Norwood Avenue and continues westerly to the Batson River.
- e. From April 1 to September 30, if under Voice and Sight Control, dogs may be off leash on the beach between 6 am and 7:30 am, except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.
- f. From April 1 to September 30, dogs must be on leash between 7:30 am and 8:30 am, and after 6:00 pm.
- g. From June 15 to September 30, dogs are not permitted on the beach from 8:30 AM to 6:00 PM. This provision does not apply to use of a service dog by a person with a disability when the dog is required to perform work or tasks directly related to the person's disability.
- h. From October 1 through March 31, if under Voice and Sight Control, dogs may be off leash on the beach, except for the hours of 12-2 pm when they must remain on leash, and except to the extent the rules in Sections D(2)(a), (c) and (d) above may require otherwise.

Section E: Rulemaking Authority governing Other Public Resources

Notwithstanding the general rules found in Section C herein, the Board of Selectmen shall have the authority to adopt specific rules governing dogs on other publicly owned or operated lands located within the Town of Kennebunkport, such as public parks.

Section F: Penalties

1. Any person who violates any provision of this Ordinance shall be subject to civil penalties for each violation, as follows:

First violation: not less than \$50.00 and not more than \$100.00, plus costs and reasonable attorneys' fees.

Second violation: not less than \$100.00 and not more than \$250.00, plus costs and reasonable attorneys' fees.

Third and subsequent violations: not less than \$250.00 and not more than \$500.00, plus costs and reasonable attorneys' fees.

2. Notwithstanding multiple violations of this Ordinance, any person who violates Section C(4) (Licenses), or Section C(5) (Rabies Tags) of this Ordinance shall be subject to a civil penalty of not more than \$100.00 for each offense, consistent with 7 M.R.S.A., Sections 3918 and 3924.
3. All civil penalties collected pursuant to this Ordinance shall be recovered to the use of the Town of Kennebunkport and deposited in the separate account required by 7 M.R.S.A., Section 3945.
4. A person issued a civil violation citation for violating this Ordinance may elect to pay the minimum penalty specified above for each violation alleged in the citation, in lieu of appearing in court to answer the citation. Such payment must be received at the Office of the Town Clerk in the amount specified by the Animal Control Officer by the seventh day prior to the court appearance date specified in the citation. Upon receipt of such payment by the Clerk, the Animal Control Officer or law enforcement officer shall cause the citation to be dismissed. However, the violations alleged in the citation shall be deemed admitted for purposes of assessing any future penalties under this section.
5. Any civil penalty collected for a violation of this Ordinance shall not preclude the Town from imposing or collecting a fine or penalty for a violation of the Barking Dog Ordinance (adopted March 10, 1984).

Section G: Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.